

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

**KATRESA PLATT And
NIESHA DAVIS,**

PLAINTIFFS,

vs.

**THE WAGGONERS TRUCKING, INC., And
JACK OWENS, Individually, Et Al.,**

DEFENDANTS

**CIVIL ACTION NO:
3:06cv1146-MHT**

**THE PARTIES' JOINT STIPULATION
FOR EXTENSION OF TIME IN WHICH TO COMPLY WITH
SECTION 8 OF THE COURT'S UNIFORM SCHEDULING ORDER**

The Plaintiffs, by and through their undersigned attorneys of record, represent and show unto the Court as follows:

1. The above styled action arises from a motor vehicle collision that occurred on December 8, 2006.

2. The Plaintiffs' original complaint was filed on, to-wit, December 27, 2006. Said original complaint claimed damages for personal injuries sustained by Plaintiff Katresa Platt and Plaintiff Niesha Davis as the proximate results of said motor vehicle collision.

3. Thereafter, on to-wit, February 16, 2007, the Plaintiffs filed their Second Amended Complaint (Document 16). In Count Six of said Second Amended Complaint, Plaintiff Niesha Davis added a claim for the wrongful death of her infant daughter, Nyla Rosie Davis, who was born alive but prematurely on January 22, 2007, and who died on January 23, 2007.

4. Plaintiff Niesha Davis contends that the premature birth and death of her infant child, Nyla Rosie Davis, were proximately caused by said motor vehicle collision.

5. Plaintiff Niesha Davis and her attorneys have had, and continue to have, unforeseen difficulties in obtaining information and opinions from one of Niesha's treating and/or consulting physicians in Columbus, Georgia, and from one of her treating physicians in Opelika, Alabama, regarding the effect that the subject motor vehicle collision, Niesha's resulting injuries, and Niesha's resulting treatment (including her prescription pain medication) had upon her pregnancy, her unborn fetus, and the premature birth and subsequent death of her infant child, Nyla Rosie Davis.

6. Also, Plaintiff Niesha Davis and her attorneys have had unforeseen difficulties in obtaining (a) the East Alabama Medical Center hospital records pertaining to the premature birth of Plaintiff Niesha Davis' said infant child, Nyla Rosie Davis, and (b) the Baptist Health South hospital records pertaining to the death of Plaintiff Niesha Davis' infant child, Nyla Rosie Davis.

7. Section 8 of the Uniform Scheduling Order (Document 15) dated February 13, 2007, requires the Plaintiffs (a) to disclose the identity of any person who may be used at trial to present evidence under Rules 702, 703 and 705 of the Federal Rules of Evidence, and (b) to provide reports of retained experts as required by Rule 26(a)((2) of the Federal Rules of Civil Procedure – all on or before May 1, 2007.

8. Due to said unforeseen difficulties in obtaining said hospital records, and due to the unforeseen difficulties in obtaining said information and opinions from said

physicians, the Plaintiffs' attorneys will not be able to fully comply with Section 8 of the Uniform Scheduling Order by May 1, 2007.

Under the circumstances, the Plaintiffs (acting by and through their undersigned attorneys) and the Defendants (acting by and through their undersigned attorney) mutually stipulate and agree as follows:

(a). That the Plaintiffs be granted an extension of time to and including June 1, 2007, in which to comply with Section 8 of said Uniform Scheduling Order,

(b). That the Defendants be granted an extension of time to and including July 1, 2007, in which to comply with Section 8 of said Uniform Scheduling Order,

(c). That Section 8 of said Uniform Scheduling Order be modified or amended to grant such extensions of time, and

(d). That such extensions of time will not cause any prejudice to any of the parties, will not interfere with the time set for completion of discovery, will not interfere with the hearing of any motion, and will not cause any delay in the trial of this case.

/s/ Michael W. Slocumb
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